IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 264/95

HATHI LAL Vs. STATE OF RAJASTHAN

DATE: 19.01.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Kapil Mathur for the accused-petitioner.
Mr. Ashwani Kumar Sharma, PP for the State.

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This revision petition under Section 397 r/w Section 401 Cr.P.C. is directed against the judgment dated 20.05.95 passed by the Additional Sessions Judge, Baran in Criminal Appeal No. 10/94 (43/93), whereby he upheld the judgment dated 22.06.93 passed by the Chief Judicial Magistrate, Baran in Criminal Case No. 2198/83 by which the accused-petitioner has been convicted under Section 409 IPC and sentenced to undergo R.I. for two years and a fine of Rs. 1,000/-, in default of payment of fine to further undergo S.I. for three months.

Considering the submissions made by the learned counsel for the accused-petitioner that the petitioner is facing trial since 1978 and had already remained in custody for about one month and 22 days and

keeping in view the law laid down by Hon'ble the Supreme Court in the case of ***State of Maharastra Vs. Jagmohan Singh Kuldeep Singh Anand & Others, reported in 2004(7) SCC 659,*** the accused-petitioner deserves to be let off on the period already undergone by him but the fine imposed upon him is required to be enhanced to meet the ends of justice.

In the result, the present revision petition is partly allowed and the conviction of the accused-petitioner Hathi Lal S/o Bhanwar Lal under Section 409 IPC is upheld and confirmed but the sentence of imprisonment imposed upon him is reduced to the period already undergone by him and the fine is enhanced to Rs. 5,000/-, in default of payment of fine the petitioner will have to undergo the sentence as awarded by the Appellate Court.

(K.S. RATHORE),J.

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